

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

DARREN A. MONAK,

Plaintiff,

v.

SELECT PORTFOLIO SERVICING, INC.,

Defendant.

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CASE NO. \_\_\_\_\_

JUDGE \_\_\_\_\_

**DEFENDANT SELECT PORTFOLIO SERVICING, INC.'S  
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446(a), (b) and (d), Defendant Select Portfolio Servicing, Inc. ("SPS") respectfully gives notice of the removal of this action from the Erie County, Ohio Court of Common Pleas, to the United States District Court for the Northern District of Ohio, based on the following grounds:

1. On or about December 27, 2016, Plaintiff Darren A. Monak ("Monak") filed a Complaint in the Erie County, Ohio Court of Common Pleas, Case No. 2016-CV-0789, naming SPS as the defendant.

2. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1331 and the action may be removed to this Court pursuant to 28 U.S.C. § 1441, because this action involves a controversy arising under the laws of the United States, in that Monak has

alleged violations of the federal Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. § 2601 et seq. and various regulations promulgated under RESPA and codified at 12 C.F.R. § 1024 et seq.

4. Accordingly, SPS submits that this action is removable to this Court pursuant to 28 U.S.C. § 1441(a).

5. SPS was served with a copy of the Complaint on or about January 9, 2017. Thus, SPS has filed the Notice of Removal in this Court within thirty (30) days of receipt of service of Summons and Complaint, pursuant to 28 U.S.C. § 1446. The Notice of Removal includes a short and plain statement of the grounds for removal together with a copy of all process, pleadings, and orders served upon SPS in this action, as required by 28 U.S.C. § 1446(a).

6. SPS has served, or will promptly serve, written notice of the filing of this Notice of Removal on all adverse parties to this action, and will file a copy of the Notice of Removal, along with a Notice of Filing of Notice of Removal, with the Erie County, Ohio Court of Common Pleas, as required by 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Notice of Removal (without exhibits) is attached as Exhibit A.

7. Copies of all process, pleadings, and orders served on SPS in this action, including Monak's Complaint, are attached to this Notice of Removal as Exhibit B.

WHEREFORE, Defendant SPS respectfully prays that this action be removed from the Erie County, Ohio Court of Common Pleas, to the United States District Court for the Northern District of Ohio.

Respectfully submitted,

/s/ David A. Wallace

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Attorneys for Defendant

Select Portfolio Servicing, Inc.

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Notice of Removal was served on January 20, 2017  
via ordinary U.S. Mail, postage prepaid, upon:

Daniel L. McGookey, Esq.  
Kathryn Eyster, Esq.  
McGookey Law Offices, LLC  
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/s/ David A. Wallace  
One of the Attorneys for Defendant  
Select Portfolio Servicing, Inc.

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